

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00206-04 JMS
)
 Plaintiff,)
)
 vs.)
)
 SHAWN AGUIAR, aka "Rivers",)
)
 Defendant.)
)

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

The defendant, by consent, has appeared before me pursuant to Rule 11, Fed.R.Crim.P., and has entered a plea of guilty to Count 1 of the Indictment. After examining the defendant under oath, I have determined that the defendant is fully competent and capable of entering an informed plea, that the guilty plea was intelligently, knowingly and voluntarily made, and that the offense charged is supported by an independent basis in fact establishing each of the essential elements of such an offense. I have further determined that the defendant intelligently, knowingly, and voluntarily waived the right to appeal or collaterally attack the sentence except as provided in the plea agreement. I therefore recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

IT IS SO RECOMMENDED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: September 25, 2006

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

UNITED STATES OF AMERICA V. SHAWN AGUIAR; CR. NO. 05-00206-04 JMS; REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY